

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE, WSBN 32245
Associate General Counsel
Office of Program Litigation, Office 7
Social Security Administration
JUSTIN L. MARTIN, MO 62255
Special Assistant United States Attorney
6401 Security Boulevard
Baltimore, Maryland 21235
Telephone: (206) 615-3735
E-Mail: justin.l.martin@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

SAMUEL JOSEPH ORTIZ,

Plaintiff,

vs.

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

Civil No. 2:24-cv-02351-DC-DMC

STIPULATION AND ORDER FOR
EXTENSION OF TIME TO FILE THE
ELECTRONIC CERTIFIED
ADMINISTRATIVE RECORD AS THE
ANSWER TO PLAINTIFF'S COMPLAINT

Pending the Court's approval, the parties stipulate through their respective counsel that Defendant, the Commissioner of Social Security (the "Commissioner"), shall have a forty-five-day extension of time to respond to Plaintiff's Complaint in this case from November 4, 2024, up to and including December 19, 2024. In support of this request, the Commissioner respectfully

///

///

1 states as follows:

- 2 1. Defendant's response to Plaintiff's Complaint is due to be filed by November 4,
3 2024. Defendant has not previously requested an extension of this deadline.
- 4 2. In accordance with the Federal Rules of Civil Procedures, recently amended to add
5 Supplemental Rules for Social Security review cases under 42 U.S.C. § 405(g), the
6 Commissioner files a certified administrative record (CAR) as the Answer to a
7 Complaint for review.
- 8 3. Counsel for the Commissioner has been informed by the client agency, which is the
9 Social Security Administration, Office of Appellate Operations, that the CAR is not
10 fully prepared in this matter. The client agency therefore needs more time to prepare
11 the CAR for the Court's review.
- 12 4. For this reason, Defendant requests an extension to December 19, 2024 (45 days), to
13 file an Answer or other response in this matter.
- 14 5. Counsel for the Commissioner has consulted with Plaintiff's counsel who advised that
15 he has no objection to this extension request.
- 16 6. This request is made in good faith and is not intended to delay the proceedings in this
17 matter.
- 18 7. I am attempting to preserve limited judicial resources and have applied the most rapid
19 response under the circumstances.

20 WHEREFORE, Defendant requests until December 19, 2024, to respond to Plaintiff's
21 Complaint.

22 ///

Respectfully submitted,

DATE: November 5, 2024

Law Offices of Francesco

/s/ Francesco Paulo Benavides*

FRANCESCO PAULO BENAVIDES

Attorney for Plaintiff

(*as authorized via email on October 28, 2024)

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Office of Program Litigation, Office 7

Social Security Administration

DATE: November 5, 2024

By s/ Justin L. Martin

JUSTIN L. MARTIN

Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Pursuant to stipulation, it is so ordered.

Dated: November 5, 2024



DENNIS M. COTA

UNITED STATES MAGISTRATE JUDGE